

1 FILED
2 LODGED
3 JAN 23 2009
4 AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 TONY PENWELL,

8 Plaintiff,

9 v.

10 BRIDGET O'DONNELL, et al.,

11 Defendants.

Case No. C08-1697-JLR-BAT

ORDER DISMISSING § 1983
ACTION

12 The Court, having reviewed the Report and Recommendation of Brian A. Tsuchida, United
13 States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- 14 (1) The Court adopts the Report and Recommendation.
- 15 (2) The complaint and this action are DISMISSED without prejudice for failure to state
16 a claim on which relief can be granted.
- 17 (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge
18 Tsuchida.

19 DATED this 23rd day of January, 2009.



08-CV-01697-ORD

JAMES L. ROBART
United States District Judge